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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,121	03/16/2001	Laurence H. Langholz	ALL865/01028	3311
24118	7590	05/24/2004	EXAMINER	
HEAD, JOHNSON & KACHIGIAN 228 W 17TH PLACE TULSA, OK 74119				A, PHI DIEU TRAN
		ART UNIT		PAPER NUMBER
				3637

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/812,121	LANGHOLZ ET AL.	
	Examiner	Art Unit	
	Phi D A	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 February 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3,4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3,4,6-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson (2922501) in view of Miller et al (4899500) and Schillinger et al (5961145).

Wilson (figure 1) shows a mobile communication tower having a trailer having a chassis (28) mounted on two or more wheels (10), a hitch (12), a plurality of chassis guy wire (54, 56) attaching points and a plurality of leveling mechanisms (26), a plurality of pivotally mounted outriggers (48) providing support and stabilization to the structure, each outrigger having an outrigger guy wire attaching point (figure 2) and a foot, the lower end of each guy wire is attached to an outrigger guy wire attaching point, a telescopic tower (30, 31) pivotally mounted on the trailer, a mechanism (36) to raise and lower the tower, a plurality of tower guy wire attaching points on the tower, a plurality of guy wires each with an upper end attached to one of the tower guy wire attaching points and a lower end attached to one of the chassis guy wire attaching points.

Wilson does not show a plurality of outriggers pivotally mounted to the chassis, the outriggers swing radially about an axis parallel to the tower, the foot being vertically adjustable.

Miller et al shows foot (8) being vertically adjustable to allow for compensate with different ground levels.

Schillinger et al (figures 2a-3e) shows a plurality of pivotal outriggers (30, 32) mounted to the chassis (24) and the outriggers swing radially outward parallel to the vertical axis to provide support and stabilization for structure in use.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Wilson to show a plurality of outriggers pivotally mounted to the chassis, the outriggers swing radially about an axis parallel to the tower as taught by Schillinger et al, the foot being vertically adjustable as taught by Miller because having a plurality of outriggers pivotally mounted to the chassis, the outriggers swing radially outward parallel to the tower would provide support and stability to the chassis when a mast is raised as taught by Schillinger et al, and having the foot of the pivotally mounted chassis outriggers being adjustable would allow for compensation of the different height of the supporting floor levels of the supporting structure as taught by Miller et al.

3. Claims 3, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson (2922501) in view of Schillinger et al (5961145).

Wilson shows a method of stabilizing a mobile communication tower having the steps of leveling a trailer having a chassis (28) mounted on two or more wheels (10), a hitch (12) a plurality of chassis guy wire attaching points, moving the tower pivotally mounted to a chassis on the trailer from a horizontal (dotted figure) to a vertical position (solid figure), moving a plurality of pivotally mounted outriggers (48) from a retracted to an extended position to provide support and stabilization to the structure, attaching upper ends of a plurality of guy wires to the erected tower, attaching the lower ends of the guy wires to the chassis of the trailer and tightening the plurality of guy wires.

Art Unit: 3637

Wilson does not show the steps of moving a plurality of outriggers pivotally mounted to the chassis from a retracted to an extended position.

Schillinger et al (figures 2a-3e) shows a plurality of pivotal outriggers (30, 32) mounted to the chassis (24) and the outriggers swing radially outward to provide support and stabilization for structure in use.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Wilson to show a plurality of outriggers pivotally mounted to the chassis being moved from a retracted to an extended position because having a plurality of outriggers pivotally mounted to the chassis would provide support and stability to the chassis when the mast is raised as taught by Schillinger et al.

Wilson as modified by Schillinger et al shows all the claimed limitations. The claimed method steps of stabilizing a tower would have been the obvious method steps of stabilizing Wilson's modified structures.

Response to Arguments

1. Applicant's arguments filed 2/20/04 to claims 1, 3, 4, 6-10 have been fully considered but they are not persuasive.

Applicant states that the outriggers(48) in Wilson are not part of the chassis at all, examiner recognizes and agrees as further illustrated in the previous and current office action.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

With respect to applicant's argument that there is no suggestion or incentive to combine the references, examiner respectfully disagrees. As pointed out in the office action above, the combination of the references would enable the chassis of Wilson to have enhanced support and stability when the mast is raised, and height adjustability on the outriggers to compensate for different supporting ground levels. The enhancement ensures Wilson's chassis is able to support a raising mast on uneven support and ensures the chassis provides strong stability when raising the mast. The combination is thus desired and motivated. The argument is thus moot

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3637

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

5/15/04